

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*IN RE PORK ANTITRUST LITIGATION*

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:  
ALL ACTIONS

**JOINT STATUS REPORT FOR  
JANUARY 24, 2023 STATUS  
CONFERENCE**

Counsel for Direct Purchaser Plaintiffs, Consumer Indirect Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs, the Commonwealth of Puerto Rico, and the Direct Action Plaintiffs (collectively, “Plaintiffs”) and Defendants (collectively, the “Parties”), in the above-captioned consolidated action submit the following status report for the January 24, 2023 status conference.

**APPEARANCES**

**Plaintiffs**

Direct Purchaser Plaintiffs	Joseph Bruckner Joseph Bourne Bobby Pouya
Consumer and Institutional Indirect Purchaser Plaintiffs	Shana Scarlett Abigail Pershing Daniel Hedlund
Commercial and Institutional Indirect Purchaser Plaintiffs	Blaine Finley
Puerto Rico	Kyle Bates
DAPs	Robert Kaplan Scott Gant David Eddy

**Defendants**

Agri Stats	Liam Phibbs
Clemens	Jenna Stupar
Hormel	Craig Coleman
JBS	Donald Heeman

	Sami Rashid
Seaboard	Peter Schwinger
Smithfield	Brian Robison
Triumph	Christopher Smith
Tyson	Tiffany Rider Jarod Taylor

### **AGENDA**

#### **1. The DAPs' consolidated complaint and defendants' motion to dismiss.**

On the evening of January 18, 2023, Defendants informed liaison Counsel for DAPs that Defendants plan to file on January 20, 2023, a motion to dismiss directed to certain aspects of DAPs' consolidated complaint (ECF No. 1666), filed on December 10, 2022, as previewed, *inter alia*, at the February 4, 2022 status conference before Judge Tunheim. At the upcoming status conference, DAPs would like to discuss Defendants' motion, which DAPs have been informed includes seeking partial dismissal based on the statute of limitations (contesting the allegations of fraudulent concealment) and on other grounds, such as seeking to exclude claims for certain pork products. Specifically, DAPs would like to discuss with the Court holding in abeyance some or all of Defendants' motion until summary judgment briefing.

Speaking for DAPs: Scott Gant

David Eddy

Speaking for Defendants: Brian Robison

Jarod Taylor

**2. The class certification hearing.**

Regarding the January 31, 2023 hearing on the Class Plaintiffs' motions for class certification, the Parties will be prepared to discuss: (a) Defendants' request to hold the hearing in person, to which Class Plaintiffs do not agree; and (b) the structure and order of argument, about which Class Plaintiffs and Defendants do agree.

Speaking for Class Plaintiffs: Shana Scarlett

Speaking for Defendants: Peter Schwingler

**3. Update on depositions of Sioux-Preme and USDA.**

The Parties will be prepared to provide an update regarding efforts to schedule the depositions of third parties Sioux-Preme Packing Co. and the USDA.

Speaking for Defendants: Jenna Stupar

Speaking for Plaintiffs: Abigail Pershing

**4. A process and schedule related to the authenticity and admissibility of potential trial exhibits.**

The Parties are continuing to meet and confer to try to reach agreement or narrow and focus any areas of disagreement concerning a process and schedule that Plaintiffs proposed regarding the authenticity and admissibility of potential trial exhibits. They do not believe Court intervention is ripe and propose to provide a further update to the Court at the next status conference.

Speaking for Class Plaintiffs: Joseph Bourne (if necessary)

Speaking for DAPs: Scott Gant (if necessary)

Speaking for Defendants: Jarod Taylor (if necessary)

DATED: January 20, 2023

/s/ Bobby Pouya

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